

HOUSE BILL No. 1036

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-15.5-1-2; IC 8-15.7-1-5.

Synopsis: Statutory authorization to construct interstates. Removes requirement that the general assembly enact a statute authorizing the construction of I-69 in Perry Township (Marion County) before I-69 may be constructed in Perry Township.

Effective: July 1, 2015.

Price

January 6, 2015, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1036

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-15.5-1-2, AS AMENDED BY P.L.91-2014,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. (a) This article contains full and complete
4 authority for public-private agreements between the authority, a private
5 entity, and, where applicable, a governmental entity. Except as
6 provided in this article, no law, procedure, proceeding, publication,
7 notice, consent, approval, order, or act by the authority or any other
8 officer, department, agency, or instrumentality of the state or any
9 political subdivision is required for the authority to enter into a
10 public-private agreement with a private entity under this article, or for
11 a project that is the subject of a public-private agreement to be
12 constructed, acquired, maintained, repaired, operated, financed,
13 transferred, or conveyed.
14 (b) Before the authority or the department may issue a request for
15 proposals for or enter into a public-private agreement under this article



that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

~~(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than one hundred thousand (100,000) and less than one hundred ten thousand (110,000) located in a county having a consolidated city.~~

~~(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.~~

~~(3) (2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.~~

(d) Except as provided in subsection (c)(1), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

SECTION 2. IC 8-15.7-1-5, AS AMENDED BY P.L.205-2013, SECTION 165, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article. However, this article may not be construed to:

(1) limit the power of the authority, the department, or a private entity to enter an agreement; or

(2) impose any procedural or substantive requirements on the authority, the department, or a private entity;

concerning a project (as defined by IC 8-15.5-2-7) carried out under IC 8-15.5.

(b) Notwithstanding any other law, before the department, the authority, or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Subject to subsection (d), and after June 30, 2011, issuing a request for proposals for, or entering into, a public-private agreement concerning a project.

(2) ~~Carrying out construction for Interstate Highway 69 in a township having a population of more than one hundred thousand (100,000) and less than one hundred ten thousand (110,000) located in a county having a consolidated city.~~

(3) ~~Imposing user fees on motor vehicles for use of Interstate Highway 69.~~

(c) Notwithstanding subsection (b) or any other law, the department or the authority may enter into a public-private agreement concerning a project consisting of a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and appropriation by the general assembly. However, this subsection does not prohibit the department from:

(1) conducting preliminary studies that the department considers necessary to determine the feasibility of such a project; or

(2) issuing a request for qualifications or a request for proposals, or both, under IC 8-15.7-4 for such a project.

(d) Notwithstanding subsection (b), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the department, the authority, or an operator to issue a request for proposals for, or enter into, a



- 1 public-private agreement for the following projects:
2 (1) A project on which construction begins after June 30, 2011,
3 not including any part of Interstate Highway 69 other than a part
4 described in subdivision (4).
5 (2) The addition of toll lanes, including high occupancy toll lanes,
6 to a highway, roadway, or other facility in existence on July 1,
7 2011, if the number of nontolled lanes on the highway, roadway,
8 or facility as of July 1, 2011, does not decrease due to the addition
9 of the toll lanes.
10 (3) The Illiana Expressway, a limited access facility connecting
11 Interstate Highway 65 in northwestern Indiana with an interstate
12 highway in Illinois.
13 (4) A project that is located within a metropolitan planning area
14 (as defined by 23 U.S.C. 134) and that connects the state of
15 Indiana with the commonwealth of Kentucky.

